



STATE OF ARKANSAS  
OFFICE OF THE ATTORNEY GENERAL  
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK  
ATTORNEY GENERAL

(501) 371-2007

August 14, 1985

OPINION NO. 85-184

Mr. William Price Feland  
Prosecuting Attorney  
P.O. Box 423  
Lonoke, AR 72086

Dear Mr. Feland:

This is in response to your request for an opinion on the following question:

Is it legal for an alderman to vote to pay legal fees to himself as a plaintiff in a lawsuit where the city is a defendant?

Ark. Stat. Ann. §19-909 states that an Alderman should not be interested, directly or indirectly in the profits of any contract for the furnishing of supplies, equipment or services to the municipality unless the city has enacted an ordinance in accord with such action.

The statute does not mention any restrictions as to the benefit conferred upon an alderman as the result of a legal settlement.

In Hall v. Thompson, 283 Ark. 26 (1984) the Arkansas Supreme Court prohibited recovery of legal fees by a plaintiff from city funds, in a criminal case. The issue of attorneys fees in civil cases was not mentioned.

Ark. Stat. Ann. §19-909 does not expressly prohibit the participation of an alderman in a vote that would pay his legal fees as the result of a settlement agreement. It is uncertain as to how the court would rule on the payment of attorneys fees to a city official in a settlement agreement.

The foregoing opinion, which I hereby approve, was prepared by Chief Deputy Attorney General Rodney Parham.

Sincerely,

  
STEVE CLARK  
Attorney General

SC/RP/ljm